THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19183 of 2007

Date:10-09-2007

Between:

Thouti Rama Swamy ..

PETITIONER

AND

The Mandal Revenue Officer, Shamirpet and two others

...RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to issue pattadar pass book in respect of Ac.4.00 of land in Sy.No.441, situated at Devar Amjal village, Shamirpet mandal, Ranga Reddy District by declaring the action of the 1st respondent, as illegal and arbitrary.

It is the case of the petitioner that he purchased Ac.4.00 of land in Sy.No.441 situated at Devar Amjal village, Medchal mandal, now under Shamirpet mandal, Ranga Reddy District pursuant to the agreement of sale and the possession was also delivered in his favour by the vendor on 17.08.1987 after receiving entire sale consideration of Rs.2,00,000/-. But, as no regular registered sale deed was executed by the vendor, the petitioner filed O.S.No.1446 of 2005 on the file of the II Additional Senior Civil Judge, Ranga Reddy for specific performance of agreement of sale which was decreed on 14.07.2006 and as the vendor failed to execute the sale deed, the Court executed the registered sale deed in his favour. Thereafter, the petitioner has paid a sum of Rs.500/- on 14.05.2007 for effecting mutation in his name and filed an application on 09.07.2007 before the Mandal Revenue Officer, Shamirpet for mutation of his name in the revenue records followed by another application, dated 14.07.2007 to issue pattadar pass book and title deed in respect of the said land. It is stated that the said application has not been considered and disposed of so far.

I am of the opinion that the petitioner is not entitled to seek a positive direction to issue pattadar passbook, except seeking a direction to consider and dispose of his application.

Merely because the petitioner has got a sale deed executed by

the civil Court pursuant to the agreement, it cannot be said that the petitioner is the absolute owner of the said land. It is for the revenue authorities to make an enquiry and verify the relevant records whether it is a government land or assigned land or private land. If it is a private land and if there is no claim over the land, the revenue authorities have to consider and dispose of the application in accordance with law.

Accordingly, without expressing any opinion about the merits of the case, the first respondent is directed to consider and dispose of the applications of the petitioner, dated 09.07.2007 and 17.08.2007 in accordance with law after giving reasonable opportunity to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:10.09.2007
CCM